



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 04 2013

REPLY TO THE ATTENTION OF:

VW-16J

CERTIFIED MAIL 7009 1680 0000 7672 5880
RETURN RECEIPT REQUESTED

Brian Schaper, Registered Agent
All American RV Resorts I, LLC
2042 Broadway
Fort Wayne, Indiana 46802

Subject: Request for Information (Docket No. V-404-308-13-44)

Dear Mr. Schaper:

The U. S. Environmental Protection Agency (EPA) is issuing this request for information in accordance with Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), regarding alleged violations of Section 301 of the CWA, 33 U.S.C. § 1311. The alleged violations are located at the business location of All American RV Resorts I, LLC, at 5453 North Blue Lake Road, in Churubusco, Whitley County, Indiana. EPA has issued you a previous August 16, 2012, Request for Information and a March 13, 2013, Administrative Compliance Order.

This information request is to assist EPA in determining whether you have received any economic benefit from the alleged violations. Section 308(a) of the CWA provides that whenever required to carry out the objective of the CWA, including determining whether any person is in violation of the CWA, the Administrator of EPA may require that person to provide such information as may reasonably be required to make that determination.

Accordingly, pursuant to the authority vested in the Administrator, which authority has been duly redelegated to the Water Division Director of Region 5, you are to respond and provide information pertaining to the enclosed "Request for Information" no later than 30 days from receipt of this letter. The requested information includes any produced by your contractors and their subcontractors.

Please submit the information requested in the accompanying document with the certification provided therein certifying that all representations contained therein are true and accurate to the best of your knowledge and belief. You should exercise care to assure that responses are complete and accurate, since Section 309(c)(2) of the CWA, 33 U.S.C. § 1319(c)(2), provides for the imposition of criminal penalties where false information is knowingly provided to the Agency. This Information Request is not subject to the approval requirements of the Paperwork

Reduction Act of 1980, 44 U.S.C. §§ 3501-3520 because it seeks information relevant to an ongoing enforcement action.

If you have any questions, please contact Mr. Gregory T. Carlson, Enforcement Officer, at 312/886-0124 or Peter Felitti, Assistant Regional Counsel, at 312/886-5432.

Sincerely,



← Tinka G. Hyde
Director, Water Division

Enclosures: Information Request and,
photo attachment

cc: Scott Matthews (w/encl.), USACOE-Louisville District, Louisville, KY
Marty Maupin (w/encl.), IDEM, Indianapolis, IN

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**All American RV Resorts I, LLC,
Fort Wayne, Indiana,**

Respondent.

)
) **REQUEST PURSUANT TO SECTION**
) **308 OF THE CLEAN WATER ACT**
) **(CWA), 33 U.S.C. §1318(a)**
)
)
) **DOCKET NO. V-404-308-13-44**
)

The following request is made pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the above referenced statute and duly redelegated to the undersigned Director, Water Division. This request for information pertains to the alleged unauthorized discharge of dredged or fill material or both into waters of the United States in conjunction with campground development at Blue Lake Campground, 5453 North Blue Lake Road, in Churubusco, Whitley County, Indiana ("site"). See Exhibit #1 for an illustration of the site.

INSTRUCTIONS

Please provide the information described below within 30 days of receipt of this request, under an authorized signature to the address below: Director, Water Division, U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Greg Carlson (WW-16J).

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secret. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA it may be made available to the public by EPA without further notice to you.

EPA requests this information under Section 308(a) of the CWA, 33 U.S.C. § 1318(a), which provides that: "Whenever required to carry out the objective of this Act, the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment and methods (including where appropriate, biological monitoring methods), (iv) sample such effluents and (v) provide such other information as he may reasonably require; and the Administrator or his authorized representative, upon presentation of his credentials shall have a right of entry to any premises in which an effluent source is located or in which any records are located, and may at reasonable times have access to and copy any records and sample any effluents."

The information requested below must be submitted under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to 18 U.S. C. §§ 1001 and 1341.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section § 3501-3520 because it seeks information relevant to an ongoing enforcement action.

REQUEST FOR INFORMATION

1. In your response to EPA's August 16, 2012, Request for Information, you provided excerpts of a 1998 Misner & Associates, Inc. Appraisal valuation of the Blue Lake Campground property. Please provide the entire report with appropriate color copies of any photographs.

2. With regard to the four trailers located within the area labeled '4 Trailers' on Exhibit 1, provide copies of all documents that memorialize any contractual, fee or lease arrangement you have with any person for each of the four trailer pads. The time frame of this question is from the first contractual, fee or lease arrangement for any of the four trailer pads to the present.

3. With regard to the four trailers located within the area labeled '4 Trailers' on Exhibit 1, provide copies of all documents that characterize any movement or placement of sand, silt, clay, rock, organic debris (i.e., vegetation that is alive or dead), topsoil, subsoil, spoil, fill or dredged material, including, but not limited to rip rap, erosion control structures, filling, grading, trenching, soil or vegetation stockpiling (even if only temporary), clearing of vegetation, dredging, culvert placement, dike construction, access road construction, drag-lining, bulldozing or any other method of moving earthen material or organic debris.

If you have no records, use a narrative description to characterize the sequence, substance and methods of site earth work and vegetative clearing.

4. For the work accomplished in Question No. 3, above, identify the number of days during which each work event occurred.

5. Based on any earthmoving or organic debris moving activities conducted in the '4 Trailers' area of Exhibit 1, identify the type of machinery, if any, used to move or place sand, silt, clay, rock, topsoil, subsoil or fill, dredged, or organic material.

6. For the '4 Trailers' area of Exhibit 1, provide copies of all documents that memorialize or describe the relationship between you and any person or contractor you may have hired or compensated for site work involving the movement or placement of sand, silt, clay, rock or fill, dredged or organic materials. Documents may include, but are not limited to contracts,

contractor payments, work logs or time records, invoices, canceled checks, receipts, or bills of sale.

Please be advised that the submission of false statements may subject you to federal prosecution under 18 U.S.C. § 1001 and that this or any other failure to comply with the requirements of Section 308 as requested by EPA may result in an enforcement action under Section 309 of the CWA, which provides for specified civil or criminal penalties. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Date: 9/4/2013



for Tinka G. Hyde
Director, Water Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Exhibit I



Google Earth Pro

